


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FAX TRANSMISSION**BROMBERG & SUNSTEIN LLP**125 Summer St.
Boston, MA 02110
617-443-9292
Fax: 617-443-0004**OFFICIAL**

To: Office of Petitions **Date:** February 6, 2004

Fax #: 703-872-9306 **Pages:** 5 (including this cover sheet)

From: Nicole S. January, Paralegal, 
Office of Samuel J. Petuchowski, Esq.

Our Ref: 1062/D42

Subject: Serial No.10/670,655 for Method for Performing Microassays

As instructed by Mr. Fletcher of the Office of Petitions, enclosed is a copy of the following filing that has not yet been entered into the records of the USPTO:

Petition for Express Abandonment to Avoid Publication and Partial Refund of Filing Fee (filed on January 8, 2004). Also enclosed is a copy of the return postcard confirming receipt by USPTO on January 8, 2004.

Please contact us if you have any questions or require further documentation.

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AT (617) 443-9292. THANK YOU.

01062/00D42 294323.1

EV401275594US

Practitioner's Docket No. 1062/D42

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Altobelli et al.

Application No.: 10/670,655

Filed: September 25, 2003

For: Method for Performing Microassays

Group No.: n/a

Examiner: Not assigned

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITION FOR EXPRESS ABANDONMENT TO AVOID PUBLICATION (37 C.F.R. § 1.138(c))
AND PARTIAL REFUND OF FILING FEE (37 C.F.R. § 1.26)

1. Applicants hereby petition to expressly abandon this application.
2. The instant application was inadvertently filed with incorrect drawings.
3. A continuation-in-part application, Serial No. 10/675,278 (the "C-I-P Application"), was filed, on September 30, 2003, correcting the erroneously submitted drawings, as soon as the error was detected. The instant application is properly referenced in the first paragraph of the C-I-P Application and is cited for priority in accordance with 37 C.F.R. § 1.178(a)(1).

OFFICIAL

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. EV 401275594 US (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: January 8, 2004

Samuel J. Petrichowski

(type or print name of person certifying)

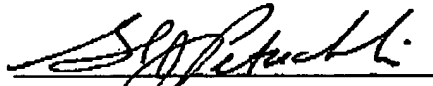
* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition for Express Abandonment to Avoid Publication--page 1 of 2

4. Since the present application is not to be pursued, completion of the present application as set forth in 37 C.F.R. § 1.51(b) is not required, because 37 C.F.R. § 1.178(a)(1)(iv) provides the alternative:
- [or] (iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(f).
5. A Refund of the filing fee of \$1,660.00, paid on September 25, 2003 with the filing of the present application, is requested herewith, in accordance with 37 CFR § 1.26, to be offset by:
- a. A Processing and Retention Fee of \$130 in accordance with 37 CFR § 1.21(l); and
 - b. A Petition Fee of \$130.00 under § 1.17(h) for express abandonment of the instant application.
6. Please credit the Refund of \$1,400.00 requested by this paper to PTO Deposit Account 19-4972.

A duplicate of this paper is attached.

Date: January 8, 2004



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01062/00D42 288874.1

SJP/nsj

Please Date Stamp and Return

The Commissioner for Patents has received from Bromberg & Sunstein LLP the following re:

Inventor: Alfobelli et al.
 Title: Detection System and Method for Aerosol Delivery
 Serial/Patent No.: 10/670,655
 Filing/Issue Date: September 25, 2003

Docket No.: 1062/D42
 Art Unit:
 Examiner:
 Date: September 25, 2003
 Express Mail No.: EV 401275594 US

Documents:

- ☐ New Application Transmittal
☐ Provisional Application Cover Sheet
☐ Description- pages
☐ Claims- pages
☐ Abstract
☐ Application Data Sheet
☐ Request and Certification under 35 USC
☐ sheets of drawings
☐ formal ☐ informal
☐ Declaration & Power of Attorney
☐ executed ☐ unexecuted

- ☐ Amendment Transmittal
☐ Amendment (Preliminary)
☐ Response
☐ IDS & References
☐ Petition for month extension
☐ Issue Fee Transmittal & Form PTOL-85b
☐ Payment of Maintenance Fee
☐ Assignment/Recordation Form Cover Sheet
☐ Check in the amount of \$
☐ Completion of Filing Requirements
☐ Transmittal of Formal Drawings
☒ Petition for Express Abandonment to Avoid
☒ Publication and Partial Refund of Filing Fee
☒ Deposit Account Authorization, if necessary, for \$260.00

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